

Senate File 2310 - Reprinted

SENATE FILE 2310
BY COMMITTEE ON NATURAL
RESOURCES

(SUCCESSOR TO SSB 3198)

(As Amended and Passed by the Senate March 23, 2010)

A BILL FOR

1 An Act creating a natural resources and outdoor recreation
2 trust fund to implement a proposed amendment to the
3 Constitution of the State of Iowa, and providing for
4 contingent implementation.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SUBCHAPTER I

GENERAL PROVISIONS

Section 1. NEW SECTION. 461.1 Title.

This Act shall be known and may be cited as the natural resources and outdoor recreation Act.

Sec. 2. NEW SECTION. 461.2 Definitions.

As used in this chapter, unless the context otherwise requires:

1. "*Department*" means the department of agriculture and land stewardship, the department of natural resources, or the department of transportation.

2. "*Fiscal year*" means the state fiscal year effective as provided in section 3.12.

3. "*Initiative*" includes a program, project, practice, strategy, or plan established or administered by an agency that furthers a constitutional purpose as provided in section 461.3.

4. "*Recreational purpose*" includes hunting, trapping, angling, horseback riding, swimming, boating, camping, picnicking, hiking, bird watching, nature study, water skiing, snowmobiling, other summer and winter sports, and viewing or enjoying historical, archaeological, scenic, or scientific sites.

5. "*Trust fund*" means the natural resources and outdoor recreation trust fund created in section 461.31.

6. "*Trust fund moneys*" means moneys originating from the natural resources and outdoor recreation trust fund.

Sec. 3. NEW SECTION. 461.3 Constitutional purpose and implementation.

1. This chapter is created for the constitutional purposes of protecting and enhancing water quality and natural areas in this state including parks, trails, and fish and wildlife habitat, and conserving agricultural soils in this state.

2. This chapter is intended to implement Article VII, section 10, of the Constitution of the State of Iowa by establishing the natural resources and outdoor recreation

1 trust fund, accounts in the trust fund, and appropriating or
2 allocating trust fund moneys to support initiatives specified
3 in subchapter IV.

4 SUBCHAPTER II
5 PARTICIPATION

6 Sec. 4. NEW SECTION. 461.11 Departmental consultation.

7 1. When making decisions regarding the expenditure of
8 trust fund moneys affecting soil and water conservation, the
9 secretary of agriculture shall regularly consult with the
10 soil conservation committee established in section 161A.4.
11 When making decisions regarding the expenditure of trust fund
12 moneys affecting natural resources and outdoor recreation the
13 director of the department of natural resources shall regularly
14 consult with the natural resource commission established
15 pursuant to section 455A.5. When making decisions regarding
16 the expenditure of trust fund moneys affecting trails, the
17 department of transportation shall consult with the state
18 transportation commission as provided in chapter 307A.

19 2. The heads of each department receiving trust fund moneys
20 shall regularly meet and whenever practicable collaborate in
21 decision-making including by adopting rules, establishing
22 funding priorities, and determining when it is beneficial to
23 provide joint funding of initiatives.

24 SUBCHAPTER III
25 ADMINISTRATION

26 Sec. 5. NEW SECTION. 461.21 Audit.

27 1. The auditor of state or a certified public accounting
28 firm appointed by the auditor of state shall conduct an annual
29 audit of the trust fund and all accounts and transactions of
30 the trust fund and accounts.

31 2. The auditor of state or the certified public accounting
32 firm appointed by the auditor as provided in subsection 1 shall
33 be paid from trust fund moneys without reducing the percentage
34 of trust fund moneys distributed to the Iowa resources
35 enhancement and protection fund or any one account established

1 pursuant to this chapter.

2 Sec. 6. NEW SECTION. **461.22 Report.**

3 The three departments shall jointly prepare and submit to
4 the governor and the general assembly not later than January
5 15 of each year a complete report in an electronic format
6 detailing all of the following:

7 1. The receipts and expenditures of the trust fund and its
8 accounts, a summary of initiatives supported by trust fund
9 moneys, the results of those expenditures, any performance
10 goals or measurements, and plans for future short-term or
11 long-term expenditures.

12 2. Recommendations to the general assembly, including
13 legislation proposed by one or more of the departments.

14 Sec. 7. NEW SECTION. **461.23 Rules.**

15 The department of revenue, the department of agriculture
16 and land stewardship, the department of natural resources, and
17 department of transportation shall adopt rules separately or
18 jointly as necessary in order to implement and administer this
19 chapter.

20 Sec. 8. NEW SECTION. **461.24 Public listing.**

21 The department of natural resources, the department of
22 agriculture and land stewardship, and the department of
23 transportation shall cooperate to publish and maintain a public
24 listing of how moneys contained in the natural resources and
25 outdoor recreation trust fund as created in section 461.31 are
26 distributed and spent during the course of each fiscal year.
27 The departments shall designate one of the departments to be
28 responsible for publishing and maintaining the public listing
29 on the internet site operated by that department.

30 SUBCHAPTER IV

31 NATURAL RESOURCES AND OUTDOOR RECREATION TRUST FUND
32 AND DISTRIBUTIONS TO SUPPORT DEDICATED PURPOSES

33 Sec. 9. NEW SECTION. **461.31 Natural resources and outdoor**
34 **recreation trust fund — creation.**

35 A natural resources and outdoor recreation trust fund is

1 created within the state treasury.

2 1. The trust fund shall be composed of moneys required to
3 be credited to the trust fund by law and moneys accepted by
4 a department for placement in an account established in this
5 subchapter and from any source.

6 2. Trust fund moneys are exclusively appropriated by law
7 to carry out the constitutional purposes provided in section
8 461.3.

9 3. Trust fund moneys shall supplement and not replace
10 moneys appropriated by the general assembly to support the
11 constitutional purposes provided in section 461.3.

12 4. Trust fund moneys shall only be used to support voluntary
13 initiatives and shall not be used for regulatory efforts,
14 enforcement actions, or litigation.

15 5. In administering a trust fund account, a department
16 may contract, sue and be sued, and authorize payment for
17 costs, fees, commissions, and other reasonable expenses from
18 the account. However, a department shall not in any manner
19 directly or indirectly pledge the credit of this state.

20 6. Notwithstanding section 8.33, any unexpended balance in
21 the trust fund or in an account created within the trust fund
22 at the end of each fiscal year shall be retained in the trust
23 fund or the respective account. Notwithstanding section 12C.7,
24 subsection 2, interest or earnings on investments or time
25 deposits of the moneys in the trust fund and its respective
26 accounts shall be credited to the trust fund and its respective
27 accounts. The recapture of awards originating from an account
28 and other repayments to an account shall be retained in that
29 account.

30 Sec. 10. NEW SECTION. 461.32 Natural resources account
31 — allocations.

32 A natural resources account is created in the trust fund.
33 Twenty-three percent of the moneys credited to the trust fund
34 shall be allocated to the account.

35 1. The account shall be used by the department of natural

1 resources to support all of the following initiatives:

2 *a.* The establishment, restoration, or enhancement of state
3 parks, state preserves, state forests, wildlife areas, wildlife
4 habitats, native prairies, and wetlands.

5 *b.* Wildlife diversity.

6 *c.* Recreational purposes.

7 *d.* Technical assistance and financial incentives to private
8 landowners to promote the management of forests, fisheries,
9 wetlands, and wildlife.

10 *e.* The improvement of water trails, rivers, and streams.

11 *f.* Education and outreach that provide instruction regarding
12 natural history and the outdoors. The subjects of such
13 instruction may relate to opportunities involving recreational
14 purposes, outdoor safety, and ethics.

15 2. The department of natural resources shall to every extent
16 possible consider its comprehensive plan provided in section
17 456A.31 when making funding decisions.

18 Sec. 11. NEW SECTION. **461.33 Soil conservation and water**
19 **protection account — allocations.**

20 A soil conservation and water protection account is created
21 in the trust fund. Twenty percent of the moneys credited to
22 the trust fund shall be allocated to the account.

23 1. The account shall be used by the department of
24 agriculture and land stewardship to support all of the
25 following initiatives:

26 *a.* Soil conservation and watershed protection, including
27 by supporting the soil conservation division of the department
28 of agriculture and land stewardship and soil and water
29 conservation district commissioners. The department may
30 provide for the installation of conservation practices and
31 watershed protection improvements as provided in chapters 161A,
32 161C, 461A, 466, and 466A.

33 *b.* The conservation of highly erodible land. The department
34 of agriculture and land stewardship may execute contracts with
35 private landowners who agree to reserve such land only for uses

1 that prevent erosion in excess of the applicable soil loss
2 limits as established in section 161A.44.

3 c. Soil conservation or crop management practices used on
4 land producing biomass for biorefineries, including cellulosic
5 ethanol production.

6 2. The department of agriculture and land stewardship may
7 use the account to provide financial incentives or technical
8 assistance to landowners.

9 Sec. 12. NEW SECTION. 461.34 Watershed protection account
10 — allocations.

11 A watershed protection account is created in the trust fund.
12 Fourteen percent of the moneys credited to the trust fund shall
13 be allocated to the account.

14 1. The account shall be used cooperatively by the department
15 of natural resources and the department of agriculture and land
16 stewardship to support all of the following initiatives:

17 a. Water resource projects administered by the department
18 of natural resources to preserve watersheds, including but not
19 limited to all of the following:

20 (1) Projects to protect, restore, or enhance water quality
21 in the state through the provision of financial assistance to
22 communities for impairment-based, locally directed watershed
23 projects. The department may use the account to support the
24 water resource restoration sponsor program as provided in
25 section 455B.199.

26 (2) Regional and community watershed assessment, planning,
27 and prioritization efforts, including as provided in chapter
28 466B.

29 b. Surface water protection projects and practices
30 administered by the department of agriculture and land
31 stewardship or the department of natural resources, including
32 but not limited to the installation of permanent vegetation
33 cover, filter strips, grass waterways, and riparian forest
34 buffers; dredging; and bank stabilization. The departments
35 of agriculture and land stewardship and natural resources

1 may use the account to support the conservation buffer strip
2 program provided in section 466.4 and the conservation reserve
3 enhancement program as provided in section 466.5.

4 2. The departments' decision to prioritize initiatives may
5 be based on the priority list of watersheds provided in section
6 456A.33A.

7 Sec. 13. NEW SECTION. 461.35 Iowa resources enhancement and
8 protection fund — allocation.

9 Thirteen percent of the moneys credited to the trust
10 fund shall be allocated to the Iowa resources enhancement
11 and protection fund created in section 455A.18 for further
12 allocation as provided in section 455A.19.

13 Sec. 14. NEW SECTION. 461.36 Local conservation partnership
14 account — allocations.

15 A local conservation partnership account is created in the
16 trust fund. Thirteen percent of the moneys credited to the
17 trust fund shall be allocated to the account.

18 1. The department of natural resources shall allocate
19 trust fund moneys in the account to local communities for the
20 following initiatives:

21 a. The maintenance and improvement of parks, preserves,
22 wildlife areas, wildlife habitats, native prairies, and
23 wetlands.

24 b. Wildlife diversity.

25 c. Recreational purposes.

26 d. The improvement of water trails, rivers, and streams.

27 e. Education and outreach programs and projects that provide
28 instruction regarding natural history and the outdoors. The
29 subjects of such instruction may relate to opportunities
30 involving recreational purposes, outdoor safety, and ethics.

31 f. Any other purpose described in section 350.1.

32 2. A local community may cooperate with the state or the
33 federal government to carry out the initiative. Two or more
34 local communities may form an entity if allowed under chapter
35 28E in order to carry out the initiative.

1 3. As used in this section, "*local community*" means a county
2 conservation board, a city, or a nongovernmental organization
3 operating on a nonprofit basis.

4 Sec. 15. NEW SECTION. **461.37 Trails account — allocations.**

5 A trails account is created in the trust fund. Ten percent
6 of the moneys credited to the trust fund shall be allocated to
7 the account.

8 1. The department of transportation and the department
9 of natural resources shall allocate moneys in the account to
10 support initiatives related to the design, establishment,
11 maintenance, improvement, and expansion of land trails.

12 2. The department of natural resources may use the account
13 to support the design, establishment, maintenance, improvement,
14 and expansion of water trails.

15 Sec. 16. NEW SECTION. **461.38 Lake restoration account —**
16 **allocations.**

17 A lake restoration account is created in the trust fund.
18 Seven percent of the moneys credited to the trust fund shall
19 be deposited to the account. The department of natural
20 resources shall use moneys in the account to support public
21 lake restoration initiatives as follows:

22 1. An initiative shall account for a lake's recreational,
23 environmental, aesthetic, ecological, and social value. It
24 must improve water quality.

25 2. The department's decision to prioritize an initiative
26 may be based on the department's lake restoration plan and
27 report as provided in section 456A.33B.

28 Sec. 17. CONTINGENT IMPLEMENTATION. This Act shall be
29 implemented on January 1, 2011, if the joint resolution
30 proposing an amendment to the Constitution of the State of
31 Iowa to dedicate a portion of state revenue for the benefit of
32 the state's natural resources, as passed for the second time
33 by the general assembly as provided in 2009 Iowa Acts, chapter
34 185, and submitted to the people of the State of Iowa at the
35 general election in November 2010, in the manner required by

1 the Constitution of the State of Iowa and the laws of this
2 state, is ratified.